



# City of Duluth

411 West First Street  
Duluth, Minnesota 55802

## Minutes - Final

### City Council

**MISSION STATEMENT:** *The mission of the Duluth City Council is to develop effective public policy rooted in citizen involvement that results in excellent municipal services and creates a thriving community prepared for the challenges of the future.*

**TOOLS OF CIVILITY:** *The Duluth City Council promotes the use and adherence of the tools of civility in conducting the business of the council. The tools of civility provide increased opportunities for civil discourse leading to positive resolutions for the issues that face our city. We know that when we have civility, we get civic engagement, and because we can't make each other civil and we can only work on ourselves, we state that today I will: pay attention, listen, be inclusive, not gossip, show respect, seek common ground, repair damaged relationships, use constructive language, and take responsibility. [Approved by the council on May 14, 2018]*

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Monday, July 19, 2021

7:00 PM

Council Chamber

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*NOTICE: The Duluth City Council will be holding the July 15, 2021 Agenda Session and July 19, 2021 Council Meeting by other electronic means pursuant to Minnesota Statutes Section 13D.021 in response to the COVID-19 emergency. Some members of the City Council will be participating through video conference. Due to the COVID-19 emergency and the closure of City facilities, public comment will not be taken in person. However, members of the public can monitor the meeting and provide public comment on agenda items through WebEx Events. Visit <https://duluthmn.gov/live-meeting> to access the meeting. The public is also encouraged to submit written comment to [council@duluthmn.gov](mailto:council@duluthmn.gov) prior to the meeting. Please include "Council Agenda" in the subject line, and include your name and address and the agenda item you are speaking to. Please note that all public comment is considered Public Data. The public is also encouraged to watch both meetings online at <https://duluthmn.gov/city-council/> (Select "Council Meeting Media") or by tuning into Public Access Television, Channel 180.*

### ROLL CALL

**Present:** 9 - Councilor Gary Anderson, Councilor Zack Filipovich, Councilor Janet Kennedy, Councilor Derek Medved, Councilor Roz Randorf, Councilor Joel Sipress, Councilor Terese Tomanek, Vice President Arik Forsman and President Renee Van Nett

### PLEDGE OF ALLEGIANCE

### APPROVAL OF MINUTES

1. [21-062](#) Meeting Minutes of the Duluth City Council

**Indexes:**

**Attachments:** [2021-07-06, Minutes](#)

A motion was made by Councilor Tomanek to approve the Minutes. The motion

was seconded by Councilor Kennedy. The Minutes were approved unanimously.

## REPORTS FROM THE ADMINISTRATION

### REPORTS FROM OTHER OFFICERS

2. [21-059](#) Office of the State Auditor Report

Indexes:

Attachments: [Duluth Economic and Development Authority](#)

This Other Officers Report was received.

3. [21-060](#) Housing and Redevelopment Authority of Duluth, MN: Financial and Compliance Report

Indexes:

Attachments: [HRA of Duluth 2020 FCR](#)

This Other Officers Report was received.

### REPORTS OF BOARDS AND COMMISSIONS

4. [21-061](#) Alcohol, Gambling and Tobacco Commission Meeting Minutes

Indexes:

Attachments: [June 2021 - AGT Minutes](#)

This Board or Commission Report was received.

### REPORTS OF COUNCIL COMMITTEES

### REPORTS OF COUNCIL OPEN ISSUES

### OPPORTUNITY FOR CITIZENS TO BE HEARD

Casey Teschner spoke in regard to the American Rescue Plan. Glenn Merrick, Jen Marksteiner, Adam Marksteiner, Katie Ferguson and Amy Galarowicz spoke in opposition to Vassar Street rezoning.

Tracy Hansen asked to speak, Council was unable to hear due to audio issues.

### RESOLUTIONS TABLED

#### BY COUNCILOR MEDVED (FINANCE)

5. [21-0515R](#) RESOLUTION ACCEPTING \$58,117,859 FROM THE AMERICAN RESCUE PLAN CORONAVIRUS STATE AND LOCAL FISCAL

RECOVERY FUNDS AND IDENTIFYING ELIGIBLE PRIORITIES FOR THE CITY OF DULUTH IN RESPONSE TO THE COVID-19 PUBLIC HEALTH EMERGENCY.

Indexes:

Attachments: [Exhibit A](#)

[Motion to Amend: Passed Unanimously \(9-0\)](#)

A motion was made by Vice President Forsman to remove this Resolution from the table. The motion was seconded by Councilor edved and passed unanimously.

A motion was made by Councilor Anderson to pass the Motion to Amend. The motion was seconded by Councilor Tomanek.

A motion was made by Councilor Anderson to pass the Resolution. The motion was seconded by Vice President Forsman. This Resolution was adopted as amended unanimously.

## CONSENT AGENDA

A motion was made by Councilor Kennedy to approve the Consent Agenda. The motion was seconded by Councilor Randorf. The Consent Agenda passed unanimously.

## BY COUNCILOR RANDORF (PURCHASING & LICENSING)

6. [21-0559R](#) RESOLUTION APPROVING THE TEMPORARY EXPANSION OF THE DESIGNATED SERVING AREA ASSOCIATED WITH THE ON SALE INTOXICATING LIQUOR LICENSES OF VARIOUS LICENSEES

Indexes:

Attachments: [Attachment A](#)

[Attachment B](#)

[Attachment A1](#)

This Resolution was adopted unanimously.

7. [21-0560R](#) RESOLUTION APPROVING THE PERMANENT EXPANSION OF THE ON SALE LIQUOR LICENSE OF PLAYER'S INC.

Indexes:

Attachments: [Attachment A](#)

This Resolution was adopted unanimously.

## BY COUNCILOR KENNEDY (PERSONNEL)

8. [21-0533R](#) RESOLUTION APPROVING PROPOSED AMENDMENTS TO THE

SPECIFICATIONS FOR THE EXISTING CIVIL SERVICE CLASSIFICATION OF FACILITY OPERATIONS SUPERVISOR, INCLUDING A TITLE CHANGE FACILITY OPERATIONS & MAINTENANCE SUPERVISOR, AND SPECIFYING CONTRACT BENEFITS FOR SAME.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

9. [21-0534R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF ALLISON RAY TO THE NATURAL RESOURCES COMMISSION.

This Resolution was adopted unanimously.

10. [21-0540R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF JARL CARLSON TO THE DULUTH TRANSIT AUTHORITY.

This Resolution was adopted unanimously.

11. [21-0561R](#) RESOLUTION CONFIRMING THE APPOINTMENT OF STEPHANIE NOVOBILSKY-VEGA TO THE DULUTH NONBINARY, QUEER, TRANS, TWO SPIRIT, LESBIAN, GAY, BISEXUAL, INTERSEX & ASEXUAL COMMISSION (NQT2SLGBIA)

This Resolution was adopted unanimously.

**BY COUNCILOR FILIPOVICH (PLANNING & ECONOMIC DEVELOPMENT)**

12. [21-0522R](#) RESOLUTION AUTHORIZING APPLICATION TO AND ACCEPTANCE OF A \$235,000 MINNESOTA HISTORICAL SOCIETY LEGACY GRANT TO SUPPORT REDEVELOPMENT OF THE HISTORIC SAINT LOUIS COUNTY JAIL.

Indexes:

Attachments: [Exhibit A](#)

[Exhibit B MOU](#)

This Resolution was adopted unanimously.

13. [21-0525R](#) RESOLUTION OF INTENT TO SELL OR CONVEY CERTAIN REAL PROPERTY IN THE LINCOLN PARK NEIGHBORHOOD.

Indexes:

**Attachments:** [Exhibit A-Resolution of Intent to Sell.pdf](#)  
[Exhibit B.pdf](#)

**This Resolution was adopted unanimously.**

14. [21-0529R](#) RESOLUTION AUTHORIZING THE BUILDING OFFICIAL TO ABATE NUISANCES BY REMOVAL OF A STRUCTURALLY UNSOUND BUILDING IN THE CITY OF DULUTH IN AN AMOUNT NOT TO EXCEED \$35,000.

**This Resolution was adopted unanimously.**

15. [21-0539R](#) RESOLUTION GRANTING AN INTERIM USE PERMIT FOR A VACATION DWELLING UNIT AT 2301 EAST 4TH STREET LOCATED IN THE R-1 RESIDENTIAL-TRADITIONAL ZONE DISTRICT (MICHELLE & JIM LELWICA).

**Indexes:**

**Attachments:** [PL 21-066 Staff Report and Attachments](#)

**This Resolution was adopted unanimously.**

16. [21-0556R](#) RESOLUTION APPROVING LAWS OF MINNESOTA 2021, 1ST SPECIAL SESSION, CHAPTER 9, SECTION 1, AMENDING LAWS OF MINNESOTA 2019, 1ST SPECIAL SESSION CHAPTER 6, ARTICLE 10, SECTIONS 2-6 PERTAINING TO THE REGIONAL EXCHANGE DISTRICT IN THE CITY OF DULUTH PURSUANT TO MINNESOTA STATUTES SECTION 645.021 SUBDS 2 AND 3.

**Indexes:**

**Attachments:** [Chapter 9, H.F. No. 52](#)

**This Resolution was adopted unanimously.**

17. [21-0557R](#) RESOLUTION AUTHORIZING DULUTH REGIONAL EXCHANGE DISTRICT APPLICATION TO DEED.

**This Resolution was adopted unanimously.**

18. [21-0558R](#) RESOLUTION REQUESTING PLANNING COMMISSION REVIEW, EVALUATION, AND HOLD A PUBLIC HEARING FOR UNIFIED DEVELOPMENT CODE (UDC) REGULATIONS RELATED TO VACATION DWELLING UNITS.

This Resolution was adopted unanimously.

**BY COUNCILOR SIPRESS (PUBLIC WORKS & UTILITIES)**

19. [21-0441R](#) RESOLUTION ACCEPTING A PERMANENT EASEMENT FOR STREET AND UTILITY PURPOSES FROM NORTHLAND COUNTRY CLUB OVER, UNDER, AND ACROSS PROPERTY LOCATED IN THE CONGDON PARK NEIGHBORHOOD FOR \$44,750.

Indexes:

Attachments: [Exhibit 1 NCC.pdf](#)

This Resolution was adopted unanimously.

20. [21-0442R](#) RESOLUTION ACCEPTING A PERMANENT EASEMENT FOR STREET AND UTILITY PURPOSES FROM JUSTIN DALE VRANISH OVER, UNDER, AND ACROSS PROPERTY LOCATED IN THE CONGDON PARK NEIGHBORHOOD FOR \$5,725.

Indexes:

Attachments: [Exhibit 1 Vranish Easement.pdf](#)

This Resolution was adopted unanimously.

21. [21-0443R](#) RESOLUTION ACCEPTING A PERMANENT EASEMENT FOR STREET AND UTILITY PURPOSES FROM MURRAY GEORGE AND LYNDA GEORGE OVER, UNDER, AND ACROSS PROPERTY LOCATED IN THE CONGDON PARK NEIGHBORHOOD FOR \$1,100.

Indexes:

Attachments: [Exhibit 1 George Easement.pdf](#)

This Resolution was adopted unanimously.

22. [21-0520R](#) RESOLUTION AWARDED A CONTRACT TO HANCO UTILITIES, INC. FOR THE 2021 EXCESS FLOW VALVE (EFV) AND BOLLARD INSTALLATION PROJECT IN THE AMOUNT OF \$289,265.

Indexes:

Attachments: [21-0520R Map](#)

This Resolution was adopted unanimously.

23. [21-0527R](#) RESOLUTION AUTHORIZING THE PURCHASE OF 7,000 TONS OF ROAD SALT FROM MORTON SALT, INC. IN THE AMOUNT OF \$403,730.

This Resolution was adopted unanimously.

**BY VICE PRESIDENT FORSMAN (RECREATION, LIBRARIES & AUTHORITIES)**

24. [21-0523R](#) RESOLUTION AUTHORIZING AN AMENDMENT TO CONTRACT L30533 WITH EMPLOYEE STRATEGIES, INC. FOR CONSULTATION SERVICES AT THE MAIN LIBRARY FOR AN INCREASE OF \$32,500 AND A NEW TOTAL AMOUNT NOT TO EXCEED \$51,595.

**Indexes:**

**Attachments:** [Duluth Public Library Phase 2 Culture Proposal ES 2021.pdf](#)

This Resolution was adopted unanimously.

25. [21-0524R](#) RESOLUTION AUTHORIZING A THREE-YEAR NON-EXCLUSIVE USE AGREEMENT WITH DULUTH GIRLS FASTPITCH LEAGUE FOR THE USE OF THE HELMER CARLSON FIELDS AND PIEDMONT FIELD.

**Indexes:**

**Attachments:** [Exhibit 1.pdf](#)

This Resolution was adopted unanimously.

26. [21-0526R](#) RESOLUTION AUTHORIZING AN APPLICATION TO THE MINNESOTA HISTORICAL SOCIETY INTERPRETIVE PROGRAMS AND PUBLIC EDUCATION CATEGORY FOR \$286,800 TO IMPLEMENT THE WAABIZHESHKANA: THE MARTEN TRAIL INTERPRETIVE PLAN.

This Resolution was adopted unanimously.

27. [21-0528R](#) RESOLUTION AUTHORIZING AN APPLICATION TO THE GREATER MINNESOTA REGIONAL PARKS AND TRAILS COMMISSION CONNECTING PEOPLE TO THE OUTDOORS PROGRAM FOR \$229,882 TO EXPAND ACCESS TO THE DULUTH TRAVERSE, A DESIGNATED REGIONAL TRAIL.

**Indexes:**

**Attachments:** [Exhibit A](#)

[Exhibit B](#)

This Resolution was adopted unanimously.

28. [21-0531R](#) RESOLUTION AUTHORIZING MATCHING FUNDS OF \$60,000 FOR THE SPIRIT MOUNTAIN AUTHORITY APPLICATION TO THE GREATER MINNESOTA REGIONAL PARKS AND TRAILS COMMISSION FOR CAPITAL IMPROVEMENTS FOR SPIRIT MOUNTAIN RECREATION

AREA, A REGIONALLY DESIGNATED SPECIAL RECREATIONAL AREA.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

29. [21-0532R](#) RESOLUTION AUTHORIZING 18-MONTH AGREEMENT WITH LIFE HOUSE TO PROVIDE OUT OF SCHOOL TIME PROGRAMMING IN THE CENTRAL HILLSIDE NEIGHBORHOOD AT COST OF \$10,000 IN 2021 AND \$15,000 IN 2022.

Indexes:

Attachments: [Exhibit A](#)

This Resolution was adopted unanimously.

## END OF CONSENT AGENDA

*The following entitled ordinances are to be read for the first time:*

### BY COUNCILOR FILIPOVICH (PLANNING & ECONOMIC DEVELOPMENT)

30. [21-024-O](#) AN ORDINANCE AMENDING THE APPROVED 2014 MIXED-USE PLANNED DEVELOPMENT (MU-P) CONCEPT PLAN AT 800 EAST CENTRAL ENTRANCE TO ALLOW FOR THE CREATION OF TWO SEPARATE DEVELOPMENT SITES, AND THE CONSTRUCTION OF NEW PUBLIC SCHOOL FACILITIES.

Indexes:

Attachments: [Attachment 1](#)

[Attachment 2](#)

[Attachment 3](#)

This Ordinance was read for the first time.

31. [21-025-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY LOCATED AT THE EAST END OF VASSAR STREET AND AN ADJACENT PARCEL TO THE NORTH FROM RURAL RESIDENTIAL 1 (RR-1) TO RESIDENTIAL - TRADITIONAL (R-1)

Indexes:



**Attachments:** [Attachment 1](#)  
[Attachment 2](#)  
[Motion to Amend: Passed 7 - 2 \(Nays: Councilors Kennedy and Medved\)](#)

A motion was made by Councilor Filipovich to pass the Motion To Amend. The motion was seconded by Councilor Sipress. The motion passed 7 - 2.  
Yeas: Councilors Anderson, Filipovich, Randorf, Sipress, Tomanek, Vice President Forsman and President Van Nett  
Nays: Councilors Kennedy and Councilor Medved.

This Ordinance was read for the first time.

32. [21-026-O](#) AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF DULUTH TO RECLASSIFY PROPERTY AT 6920 GRAND AVENUE FROM RESIDENTIAL-TRADITIONAL (R-1) TO MIXED USE-NEIGHBORHOOD (MU-N).

**Indexes:**

**Attachments:** [Attachment 1](#)  
[Attachment 2](#)

This Ordinance was read for the first time.

***The following entitled ordinances are to be read for the second time:***

**BY COUNCILOR SIPRESS (PUBLIC WORKS & UTILITIES)**

33. [21-023-O](#) ORDINANCE AMENDING CHAPTER 29E TO ALLOW EMPLOYEES TO USE EARNED SICK AND SAFE TIME (ESST) WHEN THEIR PLACE OF EMPLOYMENT IS CLOSED FOR PUBLIC HEALTH REASONS, TO REQUIRE NOTICE OF ESST TO NEW EMPLOYEES AND IN EMPLOYEE HANDBOOKS, TO ALLOW NOTICE OF VIOLATIONS AND CORRECTIVE MEASURES AND TO HAVE APPEALS HEARD BY AN ADMINISTRATIVE HEARING OFFICER.

A motion was made by Councilor Sipress to pass this Ordinance. The motion was seconded by Councilor Filipovich. This Ordinance was passed unanimously.

**BY COUNCILOR ANDERSON (PUBLIC SAFETY)**

34. [21-022-O](#) ORDINANCE AMENDING DULUTH CITY CODE SECTION 6-77 REGARDING HUNTING DEER BY BOW AND ARROW.

A motion was made by Councilor Anderson to pass this Ordinance. The motion was seconded by Councilor Kennedy. This Ordinance was passed unanimously.

**COUNCILOR QUESTIONS AND COMMENTS**

**COUNCILOR PREVIEW OF UPCOMING BUSINESS**

*ATTEST:*

*CHELSEA J. HELMER, City Clerk*

*Passed: July 19, 2021*

*Approved: July 20, 2021*

*EMILY LARSON, Mayor*